

IOWA BOARD OF EDUCATIONAL EXAMINERS

IN THE MATTER OF:

David Bennett,

Respondent.

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Case No. 11-39

License No. 977394

FINAL ORDER

1. The Respondent holds a Standard License (FOLDER # 977394) with endorsements to teach 5-12 General and Biological Science. Respondent's License is current and will next expire on August 31, 2015. Respondent has a valid coaching authorization that will expire on March 18, 2013.
2. The Respondent began employment with Melcher-Dallas Community Schools as a science teacher and coach on August 16, 2007. Respondent resigned on March 14, 2011.
3. On May 6, 2011, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On August 5, 2011, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.
4. The Board charged Respondent with sexual involvement or indecent contact with a student, in violation of Board Rule 282 Iowa Admin. Code 25.3(1)(c), as well as student abuse by committing or soliciting any sexual or otherwise indecent act with a student or any minor, in violation of Board Rule 282 Iowa Admin. Code 25.3(1)(e)(3).
5. Pursuant to Board rule, a practitioner may voluntarily surrender the practitioner's license if the practitioner waives the right to hearing before the Board and notifies the Board of the intent to accept a permanent revocation of the practitioner's license. Upon receipt of a voluntary surrender, "[t]he Board may issue an order permanently revoking the practitioner license . . ." 282 I.A.C. 11.4(6).
6. On September 6, 2012, the Respondent filed a Surrender of Practitioner License and Waiver of Formal Hearing form. The voluntary surrender was presented to and accepted by the Board at a meeting held on October 15, 2012.

ORDER

THEREFORE, the Board acknowledges the Respondent's voluntary surrender of his practitioner license and incorporates his action into this Order by attaching a copy of the surrender to this Order. In accordance with this filing, all licenses issued by the Board to the Respondent and his privilege to practice as a teacher and coach in Iowa are **PERMANENTLY REVOKED** with no possibility of reinstatement.

Dated this 15th day of October, 2012.



Duane T. Magee, Executive Director
On behalf of the Board

Copies to: David Bennett
RESPONDENT

Becky Knutson
ATTORNEY FOR RESPONDENT

Julie Bussanmas
Assistant Attorney General
ATTORNEY FOR STATE

RECEIVED
EXECUTIVE DIRECTOR
BOARD OF EDUCATIONAL EXAMINERS

SEP 06 2012

STATE of IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building
Des Moines, IA 50319-0147

SURRENDER OF PRACTITIONER LICENSE
AND
WAIVER OF FORMAL HEARING
Before the
IOWA BOARD OF EDUCATIONAL EXAMINERS

I, David Bennett, swear or affirm under oath:

that I am the Respondent in a case currently before the Iowa Board of Educational Examiners;

that I currently hold a valid or expired Iowa practitioner's license;

that I have been informed of and understand the nature of the proceedings before the Board and have received a copy of the complaint filed against me and the applicable rules (282 Iowa Administrative Code, Chapters 11, 25, and 26);

that I am aware of the Board's legal authority to exonerate, warn, or reprimand me as a licensed individual, following a Board investigation into allegations of conduct violative of Board criteria, and of the Board's authority to suspend or revoke my license for conduct violative of Board criteria;

that I understand that I have an opportunity to be heard and to contest the allegations against me in formal hearing before the Board; and that by waiving the formal hearing, I waive my right to challenge the allegations against me in the complaint, and as a consequence, my privilege to teach, administer, or coach in Iowa will be permanently revoked with no possibility of reinstatement;

that I understand that the Board will notify the NASDTEC (National Association of State Directors of Teacher Education & Certification) National Clearinghouse that my license has been revoked and that other state teacher licensing boards will have access to this information.

HAVING ACKNOWLEDGED MY RIGHTS AS OUTLINED ABOVE, I hereby formally waive my right to a hearing before the Board and request that my license to teach, administer, or coach in Iowa be revoked. I affirm that my decision is made voluntarily and knowingly.

9-5-12

Date

9-5-2012

Date

David Bennett
Name
Becky S. Knutson
Notary Public in and for the State of Iowa
(seal applied)



**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

In the matter of)	Case Nos. 11-39
)	License No. 977394
DAVID L. BENNETT,)	
)	NOTICE OF HEARING
Respondent.)	AND STATEMENT OF CHARGES

YOU ARE HEREBY NOTIFIED that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing will be held on Monday, February 27, 2012, before Administrative Law Judge Margaret LaMarche, acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 9:00 a.m. in Department of Inspections and Appeals, Wallace State Office Bldg, Third Floor, 502 E. 9th Street (East 9th and Grand Avenue), Des Moines, Iowa. You should report to the third floor Iowa Department of Inspections and Appeals' (DIA) receptionist prior to 9:00 a.m. to obtain the room assignment.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code [IAC] Chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 IAC 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony must be served on the Board and all parties. Any resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 IAC 11.18.

5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Julie J. Bussanmas
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319
Telephone (515) 281-5637.

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Dr. George J. Maurer, the Board's Executive Director at (515)281-5849 or to Assistant Attorney General Bussanmas at (515)281-5637.

B. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

7. The Respondent is charged with sexual involvement or indecent contact with a student, in violation of Board rule 282 Iowa Admin. Code 25.3(1)(c).

Count II

8. The Respondent is charged with student abuse by committing or soliciting any sexual or otherwise indecent act with a student or any minor, in violation of Board rule 282 Iowa Admin Code 25.3(1)(e)(3).

C. JURISDICTION AND LEGAL AUTHORITY

9. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Admin. Code chapter 11.

D. FACTUAL CIRCUMSTANCES

10. The Respondent holds a Standard License (FOLDER # 977394) with endorsements to teach 5-12 General and Biological Science. Respondent's license is current and will next expire on August 31, 2015. Respondent has a valid coaching authorization that will expire on March 18, 2013.

11. The Respondent began employment with Melcher-Dallas Community Schools as a science teacher and coach on August 16, 2007. Respondent resigned on March 14, 2011.

12. On May 6, 2011, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On August 5, 2011, the Board found probable cause to

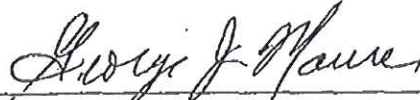
proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

13. On November 11, 2010, Respondent touched a student's inner thigh and vaginal area. Respondent also licked the student's vaginal area.

E. SETTLEMENT

14. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified in Section A, above.

Dated this 1st day of December, 2011.



George J. Maurer, Ed.D.
Executive Director
Iowa Board of Educational Examiners

Copies to:

David Bennett
811 D. Main Street
Dallas, Iowa 50062
RESPONDENT

Christy A.A. Hickman
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Des Moines, Iowa 50309
ATTORNEY FOR RESPONDENT

Julie J. Bussanmas
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Hoover State Office Bldg., 2nd Floor
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ATTORNEY FOR STATE